

In the Matter of Merchant Mariner's Document No. Z-1158033 and all other Seaman Documents
Issued to: NED ROUSH

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1503

NED ROUSH

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.30-1.

By order dated 12 January 1965, an Examiner of the United States Coast Guard at New York, New York, suspended Appellant's seaman documents for two months outright plus four months on twelve months' probation upon finding him guilty of misconduct. The two specifications found proved allege that while serving as a wiper on the United States SS EXIRIA under authority of the document above described, on 15 December 1964, Appellant wrongfully failed to perform his duties; and, on 16 December 1964, he wrongfully engaged in a fist fight with another member of the crew.

At the hearing, Appellant elected to act as his own counsel and entered a plea of guilty to the charge and specifications. No evidence was introduced by either party.

At the hearing, the Examiner rendered a written decision in which he concluded that the charge and two specifications had been proved by plea.

OPINION

The sole contention raised on appeal is that the order imposed is too severe in view of Appellant's prior clear record and the fact that he was goaded into the fight by the other seaman.

Appellant had every opportunity to explain the circumstances of the fight at the hearing but he declined to do so. At the conclusion, he was asked three times by the Examiner if he had any statement to make and replied in the negative. Hence, it must be assumed that Appellant wrongfully engaged in the fight as indicated by his plea of guilty. For this and the offense of failing to perform his duties on the ship for one day, the order is not excessive despite Appellant's prior clear record.

ORDER

The order of the Examiner dated at New York, New York, on 12 January 1965, is
AFFIRMED.

E. J. Roland
Admiral, United States Coast Guard
Commandant

Signed at Washington, D. C., this 3rd day of June 1965.

INDEX

ASSAULT (including battery)
fists

FIGHTING
wrongfully engaging in

PLEA OF GUILTY
obviates necessity of introducing evidence